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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,922	08/31/2001	Joseph B. Fuller	29409/01	2250

7590                    08/06/2003  
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[REDACTED] EXAMINER

TORRES, ALICIA M

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3671

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/944,922	FULLER, JOSEPH B.
	Examiner	Art Unit
	Alicia M Torres	3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith, as cited by applicant, in view of Duda.
3. In regards to claims 1, 2, 4, and 5, Smith discloses a trimmer comprising:

A base (10);

The base (10) comprising a recess (24), as per claim 2;

An electric motor, as per claim 5, attached to the base (10) wherein the motor is attached to and rotates a cutting element wherein the cutting element comprises at least one line (see column 1, lines 29-34 and column 6, lines 11-30);

Two wheels (12, 16) attached to the base (10) which can be locked in a single direction therefore making them unidirectional (see column 5, lines 45-63);

A multidirectional wheel (14) attached to the base (10, see column 5, lines 45-63); and

A handle (26).

However, Smith fails to disclose a universal joint connecting the handle to the base;

Wherein the universal joint comprises:

A handle couple attached to the handle;

A link rotatably attached to the handle couple; and

A bracket rotatably attached to the link and attached to the base, as per claim 4.

Duda discloses a similar transportable apparatus wherein a universal joint (59, see column 4, lines 16-25 and column 7, lines 17-23) connects the handle (16) to the wheeled base (14);

Wherein the universal joint comprises:

A handle couple (62) attached to the handle (16);

A link (pin, unnumbered) rotatably attached to the handle couple (62); and

A bracket (60) rotatably attached to the link and attached to the base (14), as per claim 4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the universal joint of Duda on the wheeled trimmer of Smith in order to facilitate guiding the base.

4. In regards to claims 6-10, Smith discloses a rotating line trimmer comprising:

A base (10) comprising a front and a rear;

A motor driven rotating line cutter element (40) attached to the base (10);

Two unidirectional wheels (12, 16) attached to the front of the base;

A multidirectional wheel (14) attached to the rear of the base; and

A handle (26) attached to the rear of the base; and

Wherein the motor is an electric motor (see column 1, lines 31-34), as per claim 10.

However, Smith fails to disclose wherein the two unidirectional wheels are attached to the front of the base;

Wherein the multidirectional wheel is attached to the rear of the base; and  
wherein the handle is attached to the rear of the base with a dual pivoting joint capable of transmitting rotation from the handle to the base; and

wherein the dual pivoting joint comprises a first pivot and a second pivot, as per claim 7;  
and

wherein the first pivot and the second pivot are not parallel, as per claim 8; and

wherein the first pivot and second pivot are perpendicular, as per claim 9.

Duda discloses a similar wheeled apparatus wherein the handle (16) is attached to the rear of the base (14) with a dual pivoting joint (59) capable of transmitting rotation from the handle (16) to the base (14); and

Wherein the dual pivoting joint (59) comprises a first pivot (between parts 62 and 60) and a second pivot (between parts 60 and 61), as per claim 7; and

wherein the first pivot and the second pivot are not parallel (see figures 1 and 2), as per claim 8; and

wherein the first pivot and second pivot are perpendicular (see figures 1 and 2), as per claim 9.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the universal joint of Duda on the device of Smith in order to facilitate the guiding of the base. It would have been further obvious to one having ordinary skill in the art at the time the invention was made to locate the two unidirectional wheels at the front

of the base and the multidirectional wheel at the rear of the base since it has been held that rearranging parts of an invention involves only routine skill in the art.

5. In regards to claims 11-17, Smith discloses a trimmer comprising:

A rotating line cutting device (40);

Wherein the rotating line cutting device comprises a base (10) and a motor attached to the base (10) and wherein the motor rotates a line (see column 1, lines 29-34 and column 6, lines 11-30), as per claim 14; and

Two wheels (12, 16), which can be locked in a single direction therefore making them unidirectional (see column 5, lines 45-63), as per claim 12;

A multidirectional wheel (14), as per claim 13; and

A handle attachment element (30) attached to the rotating line cutting device (40).

However, Smith fails to disclose wherein the handle attachment element comprises a first pivot and a second pivot wherein the first pivot point and the second pivot point are capable of pivoting simultaneously; and

A handle attached to the handle attachment element wherein the handle attachment element is capable of transmitting rotation from the handle to the rotating line cutting device; and

Wherein the handle attachment element is a universal joint, as per claim 15; and

Wherein the first pivot and the second pivot are not parallel and are perpendicular, as per claims 16 and 17.

Duda discloses a wheeled apparatus wherein the handle attachment element (59) comprises a first pivot (between elements 60 and 62) and a second pivot (between elements 60

and 61) wherein the first pivot point and the second pivot point are capable of pivoting simultaneously; and

A handle (16) attached to the handle attachment element (62) wherein the handle attachment element (62) is capable of transmitting rotation from the handle (16) to the device (14); and

Wherein the handle attachment element (59) is a universal joint, as per claim 15;

Wherein the first pivot (between elements 60 and 62) and the second pivot (between elements 60 and 61) are not parallel and are perpendicular, as per claims 16 and 17.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the universal joint of Duda on the trimmer of Smith in order to facilitate guiding of the base.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and Duda as applied to claim 1 above, and further in view of Wolfe, Sr., cited by applicant.

7. The device is disclosed as applied to claim 1 above. However, Smith and Duda fail to disclose a lower grip attached to the handle.

Wolfe, Sr. discloses a trimmer with a lower grip (F) attached to handle (I).

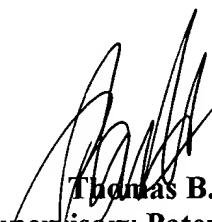
It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the lower grip of Wolfe, Sr. on the combination of Smith and Duda, in order to provide easier handling of the device.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meltzer, Kalmar, and Hampton have been cited as of interest.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-305-3597.



Thomas B. Will  
Supervisory Patent Examiner  
Group Art Unit 3671

AMT  
July 28, 2003